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Tony H. Ashtiani  
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UNITED STATES DISTRICT COURT

DISTRICT COURT OF GUAM

Tony H. Ashtiani,

Plaintiff,

Vs.

Continental Micronesia Inc,

Db, Continental Micronesia,

Continental Airlines,

Defendant

Civil Case No.: 02-00032

DECLARATION OF TONY. H  
ASHTIANI IN SUPPORT OF MOTION  
FOR PARTIAL SUMMARY JUDGMENT

Fed. R. Civ. P. 56(a)

I, Tony H. Ashtiani, plaintiff **declare** as follows:

On or about December 10, 1999. I received a call from Mr. Dixon McKinzie human resources manager/director and was asked to meet with him in reference to my grievance. Mr. McKinzie sounded inviting over the phone, however when I arrived in his office he was very intimidating and was different individual as on the phone. In good faith that Mr. McKinzie will investigate or will warn the supervisors in regards to the Federal statute, so that harmony and enjoyable work place will be for all. Ashtiani

ORIGINAL

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1 provided two names that were similarly situated and were  
2 receiving disparate treatment under disparate impact by the new  
3 supervision and management. One of those individuals' name was  
4 Mr. Larry Kimball. Certified Aircraft Mechanic same as  
5 Ashtianis' classification. His statement is herewith attached.  
6 Mr. McKinzie did not investigate. Rather, retaliated against  
7 plaintiff as a decision maker in my termination. Plaintiff had  
8 mentioned in Second Amended Complaint "refusing to investigate"  
9 Id, at Pargh.#(21). Corporate officers and directors responsible  
10 for affirmative action and EEO are held liable for Failure to  
11 investigate in their official capacity. Mr. Larry Kimball  
12 provided this statement on or about May or June 2002 during the  
13 EEOC investigation.

14  
15 I declare that I have read the forgoing statement and that  
16 the information contained herein is true and correct to the best  
17 of my knowledge and belief, and that if called as witness, I  
18 could testify competently thereto. I further hereby declare that  
19 this declaration is executed under penalty of perjury at  
20 Hagatna, Guam. Executed this 21<sup>st</sup> day of November 2003, at  
21 Hagatna Guam, U.S.A.

22  
23 Tony H. Ashtian,

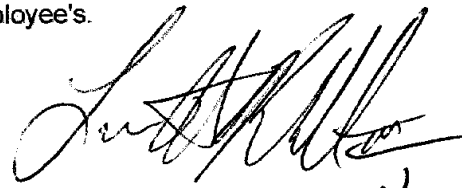
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25 Pro Se, Plaintiff

To: Raymond J. Griffin Jr.

I am an Aircraft Mechanic employed by Continental Micronesia Inc. I have worked for this company for 8 years. During my employment here I have witnessed many actions taken by supervision which were discriminatory, I have even been the recipient of extreme racial treatment here. I have had supervisor's who would not allow me to attend training assignments for no other reason than my Leadman telling them that the "WHITE GUYS HERE ARE LAZY AND USELESS"! There are mechanics here that have been late to work daily for as long as I can remember that get perfect attendance records every year, they are local, and for that reason they are not reprimanded. There have been local mechanics who have not aquired sufficeint trade days prior to going off Island, who have not made it back in time for scheduled work and the Supervisors simply cover it up and don't even bother to fill the vacant slot, let alone tell someone about it, or even record it. There are two seperate rule's at CMI, one for local mechanics and one for others. When it comes to enforcing discipline for mechanics making mistakes at work, locals receive far more lenient punishments for committing the same errors as those that are not local. Take a look at the employee records here and I'm sure you'll find numerous cases where similar mistakes have been made by many mechanics and yet the local mechanics punishments are far less severe than that received by others.

Tony Ashtiani has worked for this company for many years. I believe the company has not delt fairly with him. My name is Larry Kimball and I have written this letter to help shed light on this company's discriminatory treatment of it's employee's.



Larry Kimball